

ESTTA Tracking number: **ESTTA340275**

Filing date: **04/01/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	92045173
Applicant	Plaintiff Glenn Danzig
Other Party	Defendant Cyclopien Music, Inc.

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 04/07/2010. Glenn Danzig requests that such date be extended for 60 days, or until 06/06/2010, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 06/06/2010

Thirty-day testimony period for party in position of
plaintiff to close : 09/04/2010

Thirty-day testimony period for party in position of
defendant to close : 11/03/2010

Fifteen-day rebuttal testimony period to close : 12/18/2010

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *As detailed in the previous request, the parties have continued to close in on settlement of this proceeding but because of a more recently filed group of cancellation proceedings involving design marks, now consolidated, are still attempting to create a global settlement with this proceeding involving the wordmark MISFITS. A global settlement would obviate proceeding with the cancellation proceedings for which the time to answer has just be extended 60 days. Petitioner has in the interim acquired additional evidence which petitioner contends is pertinent to the dispute regarding the design mark proceedings, and thus affecting the possibility of global settlement. That evidence has been presented to registrant's counsel and the parties have discussed the legal issues, however in that regard no resolution has been reached. The parties appear to be relatively comfortable with the general terms of a settlement for this cancellation proceeding, except it is not clear whether the parties are willing to move forward by (1) consolidating the proceedings and continuing this as a consolidated proceeding, (2) settling this proceeding without consolidating and allowing the design mark cancellation to proceed or (3) ideally, globally settling this matter. The timetable for resolution is to simultaneously achieve a settlement in principle regarding this proceeding by the end of the proposed extended discovery term while simultaneously moving to complete discovery in this proceeding.*

Glenn Danzig has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Glenn Danzig has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,
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